UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/61
29 January 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 1999]

GE.99-10682 (E)

Algeria

1. As the endemic violence in Algeria enters its eighth year, human rights abuses persist at an appalling level. Armed groups calling themselves "Islamic" continue to slaughter men, women and children, and to abduct and rape women. The Government has failed to take effective measures to halt these attacks or to curtail the abuses for which its own security forces and allied civilian "self-defence" groups are responsible. Altogether, an estimated 70,000 Algerians have died in the strife since 1992, more than 3,000 have "disappeared", and thousands more have been tortured while in custody.

2. Despite the gravity of the situation, the Government of Algeria has drastically restricted the possibility of collecting and disseminating information pertaining to the human rights crisis. The authorities have dispensed information about the violence and its victims that is sparse and misleading, censored press coverage of security incidents and refused access to the country to the Special Rapporteurs on torture and on extrajudicial executions, and to international human rights organizations. None of the international delegations permitted to visit Algeria during 1998 had the mandate or the means to conduct fact-finding of any kind into the human rights situation. The Algerian security forces, the armed civilian militia and the perpetrators of the mass killings, abductions and rapes act in a climate of impunity nurtured by the tight control over information, as well as the seven-year-old state of emergency and regressive legislation enacted since 1992.

3. Algeria has reneged on promises made earlier to cooperate fully with all United Nations human rights mechanisms. The Commission must meet its responsibility by naming a special rapporteur on the human rights situation in Algeria.

China

4. Human Rights Watch welcomes the September 1998 visit to China and Tibet by United Nations High Commissioner for Human Rights Mrs. Mary Robinson and the signing by China on 5 October 1998 of the International Covenant on Political and Civil Rights. It notes, however, that violations of human rights in China and Tibet have escalated since.

5. Freedom of association is under renewed attack. On 25 October 1998, China promulgated new "Regulations on the Registration and Management of Social Groups" which severely curtail the ability of citizens to form any kind of organization not sponsored by the Government. It has also made clear that no opposition political parties will be permitted. In December 1998 three leaders of the China Democracy Party were sentenced to prison terms of 13, 12 and 11 years in unfair and summary trials. Other party members await trial.

6. The freedom to receive and transmit information across frontiers came also under increased attack. Zhang Shanguang was sentenced on 27 December 1998 to a 10-year term for giving Radio Free Asia information about peasant protests. Lin Hai, a software engineer, was tried in Shanghai in December 1998 for distributing Chinese e-mail addresses to a pro-democracy group in Washington, D.C. He has not been sentenced as of the time of

writing. Fang Jue, a former government official who advocated political reform and whose opinions were circulated abroad has been in incommunicado detention since July 1998.

7. In Tibet, at least 10 prisoners reportedly died and many more were severely beaten during a May 1998 protest at the time of a visit by a European Union delegation. At least two monks from Drepung Monastery were arrested for allegedly preparing a protest letter to give to the High Commissioner. Gendun Choekyi Nyima, the nine-year old recognized four years ago by Dalai Lama as the reincarnation of the Panchen Lama, is still missing. The High Commissioner was denied access to him. Monks continue to be arrested for resisting political re-education.

8. In the light of systemic and institutionalized violations of human rights, Human Rights Watch calls on the Commission to cite these violations and urge improvements in China's human rights practices.

Colombia

9. The civilian toll in Colombia's war remained unacceptably high in 1998. Both guerrillas and paramilitaries, the latter often working with the acquiescence or open support of the security forces, launched offensives that resulted in civilian casualties, the destruction of civilian dwellings and infrastructure, and massive forced displacement. Efforts to pass crucial human rights legislation stalled in Congress, including a military penal code reform and a bill criminalizing forced disappearances.

10. In cases where a perpetrator was suspected, 73 per cent of civilian killings were attributed to paramilitaries, 17 per cent were attributed to guerrillas, and 10 per cent to State agents. At the root of abuses by the Colombian army was its consistent and pervasive failure to enforce human rights standards and distinguish civilians from combatants. Throughout the year, paramilitary threats of massacres were ignored by the security forces, which took few measures to protect civilians. Impunity remained the rule for officers who violated human rights.

11. Guerrillas also committed serious abuses in 1998. When the Revolutionary Armed Forces of Colombia (FARC) perceived a political advantage, it emphasized its respect for the laws of war. However, when no political advantage was apparent, the FARC made little if any attempt to abide by these standards. The Camilist Union-National Liberation Army (UC-ELN) routinely executed soldiers and police officers taken hors de combat, often in front of dozens of witnesses.

Democratic Republic of the Congo

12. In early August 1998 another war of "liberation" broke out in the Democratic Republic of the Congo. Civilians bore the brunt of the conflict as both sides resorted to extrajudicial executions and arbitrary detentions, with their perceived ethnic or political adversaries the main victims.

13. President Kabila accused ethnic Tutsis collectively of supporting an aggression on his country. Other officials resorted to hate propaganda

against Tutsis. In the capital and other government-held areas the police and the army arrested and arbitrarily detained hundreds of civilians in connection with the conflict, most of them ethnic Tutsis. New human rights problems have emerged as a result of military operations by the Congolese Armed Forces (FAC) and theirs military allies, principally the Angolan, Zimbabwean and Namibian militaries.

14. Rebels from the Congolese Rally for Democracy (CRD) also targeted civilians. In efforts to combat Interahamwe and Mai-Mai insurgencies and to exert political control over opposition voices, the Congolese military and their allies - the Rwanda, Ugandan and Burundian militaries - have committed a range of abuses against Congolese civilians from almost all major ethnic groups in the east, including extrajudicial killings, arbitrary arrests and detentions, disappearances, harassment of human rights defenders, abuses against women and recruitment of child soldiers.

15. All parties to the conflict subjected prisoners detained in connection with the conflict to ill-treatment and extrajudicial executions. When a rebel attack on the capital was pushed back in August 1998, soldiers and angry mobs summarily executed dozens of captured or suspected rebels. In late August retreating government soldiers reportedly killed dozens of detained civilians in the town of Kisangani. In reprisal for the killing of six of their colleagues near Bukavu in August, rebel soldiers rounded up and summarily executed hundreds of villagers including six priests and nuns, in the locality of Kasika and surrounding villages. In similar reprisals, hundreds more civilians were killed by rebels in Makobola village in late December 1998.

16. Human Rights Watch calls on the Commission to renew the mandate of the Special Rapporteur, who has been formally invited by the Government to return to the country after two years of obstruction.

Territory of the former Yugoslavia

17. In the former Yugoslavia, the past year has seen renewed armed conflict; continued widespread ethnic discrimination and ethnically motivated violence; persistent barriers to the return of refugees and displaced persons; serious restrictions on civil society; and, specifically in Croatia, the Federal Republic of Yugoslavia (FRY), and the Republika Srpska, continued non-cooperation with the International Criminal Tribunal for the former Yugoslavia.

18. A serious problem of displacement continues to plague Croatia, and Bosnia and Herzegovina. In Croatia, although the security situation has improved, Serbs continue to face prohibitive legal and administrative discrimination when trying to obtain housing, employment, documents and pensions necessary for sustainable return. In Bosnia and Herzegovina, these obstacles are coupled with ongoing ethnically motivated violence, exacerbated by the impunity its perpetrators enjoy.

19. The long-term consequences of human rights abuses have in the past year been revealed in FRY, where the Government's ten-year campaign of repression against ethnic Albanians in Kosovo has erupted into full-scale ethnic conflict between FRY government forces and the Kosovo Liberation Army (KLA). A

government crackdown on the rebel movement began in late February 1998, reaching its height in late September just before United States government representatives brokered a fragile ceasefire to avert an impending humanitarian crisis during the winter months. At the time of writing, a return to full-scale conflict appears likely in the spring, if not sooner.

20. During the conflict, government forces attacked civilians, systematically destroyed towns, and forced thousands of people to flee their homes. An estimated 2,000 have been killed in the course of the conflict, approximately 1,800 of them ethnic Albanians. The majority of those killed and injured have been civilians.

21. As of December 1998, at least 1,200 ethnic Albanians had been charged with "terrorism" or "anti-State activities" and as many as 1,500 were believed to be in custody, where physical abuse and torture is widespread. Defendants facing these politically motivated charges rarely obtain a fair trial.

22. Albeit on a lesser scale, the KLA has also committed serious violations of international humanitarian law, including the taking of hostages and extrajudicial executions.

23. While conflict raged in Kosovo, the FRY authorities took aggressive steps to suppress Serbian opposition and civil society - purging universities of those not aligned with the ruling parties, maintaining tight control over State media and, through a series of arbitrary decrees and laws, severely restricting the work of the independent media.

24. Human Rights Watch calls on the Commission to condemn the policies and practices outlined above and to renew the mandate of its Special Rapporteur vigorously to monitor human rights conditions throughout the territory of the former Yugoslavia.